

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE. SM/S Hilltop Road North, 175 ft. N of c/l Frederick Road 4 Hilltop Road North 1st Election District 1st Councilmanic District Robert E. Magnien, et al Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3 (III C.4) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an 18 ft. rear yard setback, in lieu of the required 20 ft., for an enclosed porch, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of May, 1992 that the Petition for a Zoning Variance from Section 1802.3 (III C.4) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an 18 ft. rear yard setback, in lieu of the required 20 ft., for an enclosed porch, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mmn

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-1386

May 13, 1992

Mr. Robert E. Magnien  
Ms. Teri J. Holbrook  
4 Hilltop Road North  
Catonsville, Maryland 21228

RE: Petition for Residential Zoning Variance  
Case No. 92-396-A

Dear Mr. Magnien and Ms. Holbrook:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmn  
encl.

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3 (III C.4) - "A" Res Zone, 1954 to permit an 18' rear yard setback in lieu of 20'.

of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or practical difficulty)

See Hardship on Flip Side

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or print name)

(Signature)

Address

City

State Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

Address

phone

Legal Owner: Robert E. Magnien

(Type or print name)

(Signature) Teri J. Holbrook

(Signature) Teri J. Holbrook

4 Hilltop Rd. North 410-788-2374

Address

City State Zip Code

Name, address and phone number of owner, contract purchaser or representative must be furnished.

Address

phone

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of May, 1992, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.



REVIEWED BY: [Signature] DATE: 5/13/92

ESTIMATED POSTING DATE: 5/13/92 ESTIMATED CLOSING DATE: 5/13/92



ZONING COMMISSIONER OF BALTIMORE COUNTY

ITEM # 420

AFFIDAVIT

IN SUPPORT OF ADMINISTRATIVE VARIANCE 92-396-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County in support of the information herein given in the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard to the Hilltop Rd. North

That the Affiant(s) does/do presently reside at Catonsville, MD 21228

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)  
Hardship: The request for a variance is based upon hardship due to the inability to make reasonable use of the property to add a screened porch extending 12 feet from the rear (west side) of the house at a width of 20 feet. All adjacent properties and 80 to 90% of properties in the entire subdivision have an addition added to the same portion of the house as proposed for this property. The design of the houses in this subdivision makes it desirable and most economical to place the addition in this location. The position of the existing dwelling on the property is unusual for this subdivision in that most of the property extends off the south side of the dwelling instead of the rear.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Teri J. Holbrook Robert E. Magnien  
Teri J. Holbrook Robert E. Magnien  
Teri J. Holbrook Robert E. Magnien

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  
I HEREBY CERTIFY, this 6th day of April, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Teri J. Holbrook and Robert E. Magnien

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4/6/92

NOTARY PUBLIC

My Commission Expires: 2/1/93

ZONING DESCRIPTION FOR 4 Hilltop Road North. Catonsville, Baltimore County, Maryland 21228.

Beginning at a point on the west side of Hilltop Road North which is 105 feet wide at the distance of 145 feet north of the centerline of the nearest improved intersecting street, Frederick Road, which is 66 feet wide. Being lot # 8, Block 6 in the subdivision of Plat One Rollingwood as recorded in Baltimore County Plat Book G. L. B. # 20, Folio # 112 containing 9.240 square feet. Also known as # 4 Hilltop Road North and located in the first Election District.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1st Date of Posting: April 22, 1992  
Posted for: Residential Variance  
Petitioner: Robert E. Magnien and Teri J. Holbrook  
Location of property: 4 Hilltop Road North, 175' N. of c/l Frederick Road  
Location of Sign: Front of 4 Hilltop Road North  
Remarks: [Signature]  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

receipt

Cashier Validation

044060083N1CHRC  
\$85.00  
Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

May 5, 1992

(410) 887-3353

Mr. Robert E. Magnien  
4 Hilltop Road North  
Catonsville, MD 21228

RE: Item No. 420, Case No. 92-396-A  
Petitioner: Robert E. Magnien, et al  
Petition for Administrative Variance

Dear Mr. Magnien:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this  
8th day of April, 1992.

*Carl Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Robert E. Magnien, et al  
Petitioner's Attorney:

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

APRIL 21, 1992

(301) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: ROBERT E. MANGNIEN AND TERI J. HOLBROOK

Location: #4 HILLTOP ROAD NORTH

Item No.: \*420(MJK) Zoning Agenda: APRIL 20, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Richards Jr.* Noted and  
Approved  
Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
APR 22 1992  
ZONING OFFICE

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature: *W. Carl Richards Jr.* Date: *4/14/92*

Project Name	Waiver Number	Zoning Issue	Meeting Date
10201-19 Dolfield Road		407 ✓	4-13-92
RP		No Comments	
200 Norris Ave.		408 ✓	
RP		No Comments	
2824-2828 Pacer Mill Road (Victoria Woods CRG)		412 ✓	
RP		No Comments	
13024 Gent Road (Manly Property (minor sub expanded to CRG))		413 ✓	
RP		No Comments	
Seminary Overlook (Seminary & Thornton) CRG		414 ✓	
RP		No Comments	
2200 Joppa Road		417 ✓	
RP		No Comments	
1001 Oakland Road		418 ✓	
RP		No Comments	
Broadview II (Related to CRG refinement)		419 ✓	
DEPRM RP (AT EIRD)		No Comments	

COUNT 20

4 Hilltop Road North	92-396-A	5/1	4-20-92
DEPRM RP (AT EIRD)		420 ✓	No Comments
10609 Brooklawn Road		422 ✓	
RP		No Comments	
8945 Satyr Hill Road		425 ✓	
DEPRM RP (AT EIRD)		No Comments	
Green Spring Valley Hunt Club (30 Green Spring Valley Road)		426	No Comments
DEPRM RP (AT EIRD)			

Department of Environmental Protection & Resource Management  
Development Review Committee Response Form  
Authorized signature: *R. B. B. B. B.* Date: *5/11/92*

Project Name	Waiver Number	Zoning Issue	Meeting Date
7610 Bay Front Road		396	4-13-92
(AT CBCA) DEPRM			
3301 Edwards Lane (Parkside Marina)		402	
DEPRM (AT CBCA)			
207 St. Marys Road		406	
DEPRM (AT CBCA)			
Broadview II (Related to CRG refinement)		417	
DEPRM (AT EIRD)			

COUNT 4

4 Hilltop Road North	92-396-A	5/1	4-20-92
DEPRM (AT EIRD)		420	No Comment
8945 Satyr Hill Road		425	WC
DEPRM (AT EIRD)			
Green Spring Valley Hunt Club (30 Green Spring Valley Road)		426	WC
DEPRM (AT EIRD)			
7442 Berkshire Road		428	No comment
DEPRM (AT EIRD)			
9928 York Road (Taco Bell)		423	No comment
DEPRM (AT EIRD)			

COUNT 5

2212 Maple Road			WC
DEPRM			4-27-92
Magsamen Property (W/S Notchmill Road)			WC
DEPRM STP (To JLP 4/27 DEPRM)			

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

April 30, 1992

(410) 887-3353

Robert E. Magnien and Teri J. Holbrook  
4 Hilltop Road North  
Catonsville, Maryland 21228

Re: CASE NUMBER: 92-396-A  
LOCATION: 20/5 Hilltop Road North, 175' S of c/A Frederick Road  
4 Hilltop Road North  
1st Election District - 1st Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 26, 1992. The closing date is May 11, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Laurel A. Stewart*  
LAUREL A. STEWART  
Zoning Commissioner, Baltimore County

#420  
92-396-A

Lud and Linda Miller  
209 Rollingdale Rd.  
Catonsville, MD. 21228

Baltimore County  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Ave.  
Baltimore, Md. 21204

Re: Variance: 4 Hilltop Rd. North, Catonsville, Maryland 21228  
Owners: Robert Magnien and Teri Holbrook

Dear Sir or Madam:

We, Lud and Linda Miller, 209 Rollingdale Rd., Catonsville, Md., living behind the above owners, do not object to a 12 by 20 foot screened porch to be built on the back of their house.

Sincerely,

*Lud Miller* 4/1/92  
*Linda Miller* 4/1/92

#420  
92-396-A

Norman and Ruth Snyder  
2 Hilltop Rd. North  
Catonsville, MD 21228

Baltimore County  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Ave.  
Baltimore, Md. 21204

Re: Variance: 4 Hilltop Rd. North, Catonsville, Maryland 21228  
Owners: Robert Magnien and Teri Holbrook

Dear Sir or Madam:

We, Norman and Ruth Snyder, 2 Hilltop Rd. North, Catonsville, Md., living adjacent to the above owners, do not object to a 12 by 20 foot screened porch to be built on the back of their house.

Sincerely,

*Norman R. Snyder* 4/1/92  
*Ruth R. Snyder* 4/1/92

#420  
92-396-A

Karl and Diana Uttenreither  
6 Hilltop Rd. North  
Catonsville, MD 21228

Baltimore County  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Ave.  
Baltimore, Md. 21204

Re: Variance: 4 Hilltop Rd. North, Catonsville, Maryland 21228  
Owners: Robert Magnien and Teri Holbrook

Dear Sir or Madam:

We, Karl and Diana Uttenreither, 6 Hilltop Rd. North, Catonsville, Md., living adjacent to the above owners, do not object to a 12 by 20 foot screened porch to be built on the back of their house.

Sincerely,

*Karl Uttenreither* 3/31/92  
*Diana Uttenreither* 3/31/92



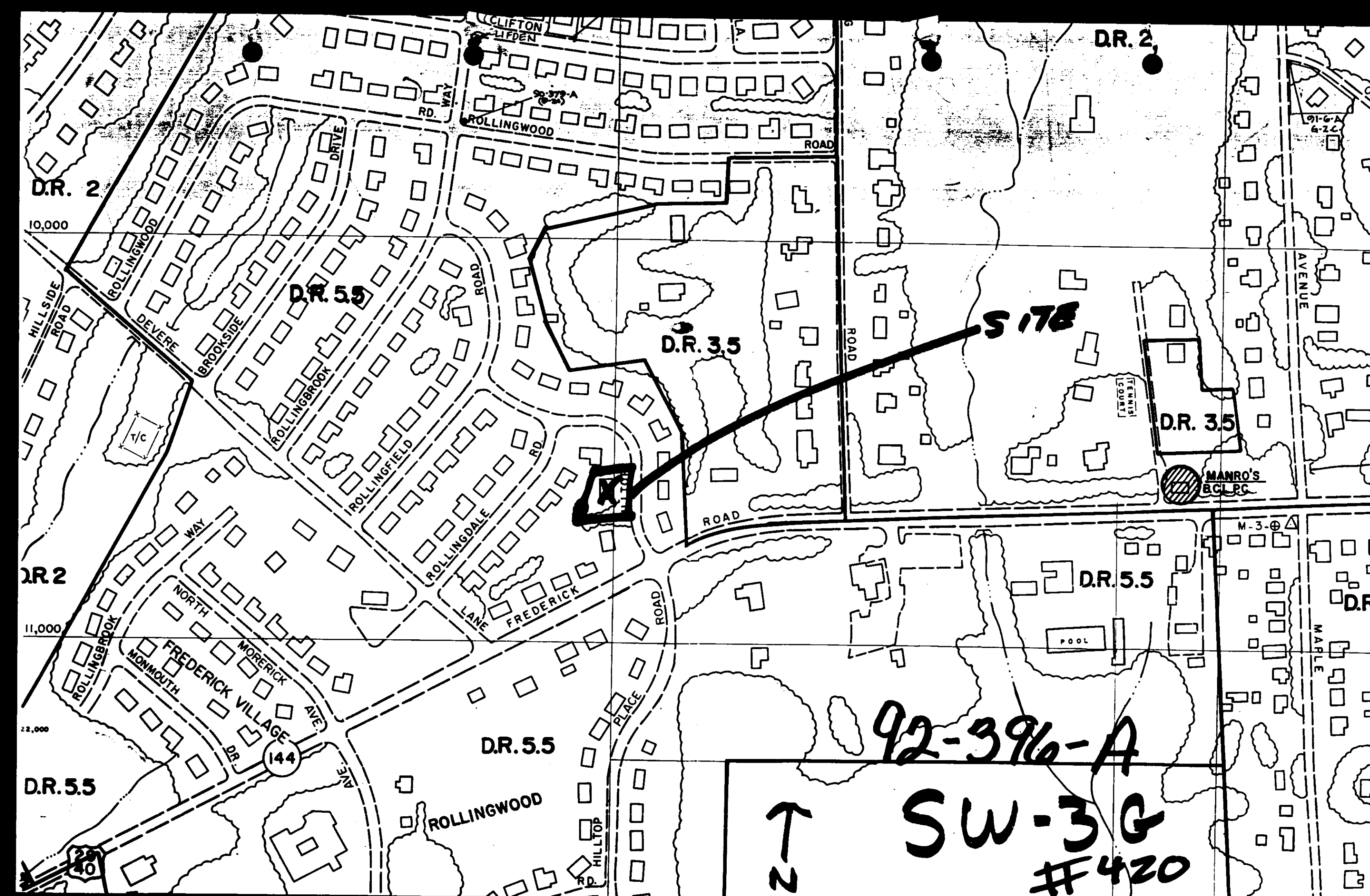
Martin McGuire 4/2/92  
Susan McGuire 4/2/92

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT THEY ARE LOCATED AS SHOWN.  
THIS PLAT IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES.

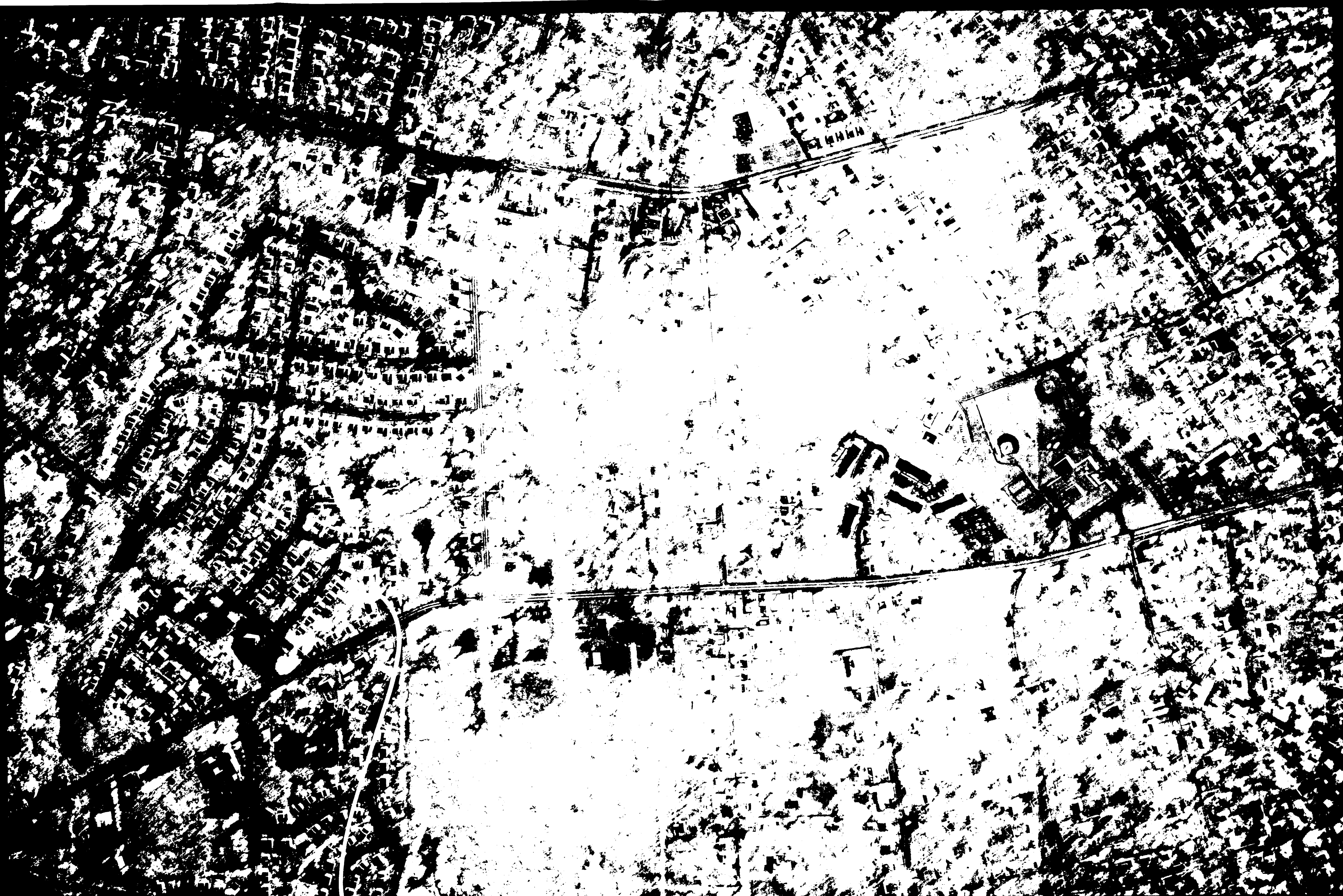
NOTE: ALSO KNOWN AS LOT B BLOCK G, AS SHOWN ON "SUBDIVISION PLAN, PLAT ONE, ROLLINGWOOD" RECORDED IN BALTIMORE COUNTY, MD IN PLAT BOOK G.L.B. 20 FOLIO 112

7-17-84 *John C. Mellema Sr.* REG. NO. 107 #420

LOCATION SURVEY		SCALE 1"=20'
*4 HILLTOP ROAD	BALTIMORE CO. MD	
<b>JOHN C. MELLEMA SR., INC.</b>	<b>LAND SURVEYORS</b>	DATE 7-17-84
6100 BALTIMORE-NATIONAL PIKE-BALTIMORE, MARYLAND 21265		JOB NO. 84064







92-396-A

SITE

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	CATONSVILLE	S.W. 3-6
DATE OF PHOTOGRAPHY JANUARY 1966		#420

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401